

Amendment in response to
March 17, 2008 final Office Action

Atty Dkt No.: 2003P19276 US
Serial No.: 10/812,553

REMARKS

Claims 1 – 26 remain in the application and stand rejected. Claims 6 and 10 are objected to. Claims 1, 6, 10, 12, 16, 20 and 24 are amended by this proposed amendment. Although this Response is being timely filed, the Commissioner is hereby authorized to charge any additional fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claims 1, 12, 16, 20 and 24 are amended by this proposed amendment in an attempt to further differentiate those claims in accordance with a suggestion on pages 3 – 4, #5 in the previous Office action, mailed September 27, 2007, i.e., to reflect that “the location of the user compared to the user's device, along with adding the fact of being simultaneously logged into multiple communication devices that maintain conflicting presence information (i.e. in a meeting/at the gym).” Thus for example, claim 1 is amended at lines 6 – 7 to recite from claims 6 and 10 that “ones of said system users are associated with more than one of said plurality of communications devices;” and at lines 12 – 14 that “for each of said ones said identity context reminder service monitors multiple associated devices of said plurality of communications devices for inconsistencies in one or more,” none of which is shown nor suggested by any reference of record. Claims 12, 16, 20 and 24 are amended by this proposed amendment to include analogous recitations. Claims 6 and 10 are amended to remove redundancies from the amendment to claim 1.

The amendment to claims 1, 12, 16, 20 and 24 is supported by claims 6 and 10, as finally rejected, and by the specification on page 7, as previously acknowledged in the prior Office action, *supra*. No new matter is added. It is believed that no reference of record teaches or suggests the present invention as recited by claims 1, 12, 16, 20 and 24, as amended by this proposed amendment. Entry of the amendment after final and consideration of all claims, as amended, is respectfully requested.

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Claims 6 and 10 are objected to for reciting informalities. The Office action asserts that "ones" should be replaced with "each one". However, claims 6 and 10 recited that "ones of said associated users are associated with more than one of said plurality of communications devices," which allows for some of the associated users (i.e., others or other ones) being associated with only a single communications device. By contrast, each one "of said associated users are associated with more than one of said plurality of communications devices," requires that all of the associated users be associated with multiple communications devices. Thus, the applicant believes that, claims 6 and 10 did (and now amended claim 1 does) not contain informalities. Reconsideration and withdrawal of the objection to claims 6 and 10 is respectfully requested.

Claims 1 – 5, 7 – 9 and 11 – 26 are finally rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,484,033 to Murray. Claims 6 and 10 are finally rejected under 35 U.S.C. §103(a) as being unpatentable over Murray in combination with U.S. Patent No. 7,039,420 to Koskinen et al

In rejecting claims 6 and 10, the final Office action acknowledges that Murray fails to teach "each one of said associated users are associated with more than one of said plurality of communications devices." Pages 9 – 10, #9. Thus, the final Office action relies on Koskinen et al. to teach this. Thus, at the very least, the proposed amendment overcomes the final rejection of claims 1 – 5, 7 – 9 and 11 – 26 under 35 U.S.C. §102(b).

"Except where an amendment merely cancels claims, **adopts examiner suggestions, removes issues for appeal**, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(b)(3) is expected in all amendments after final rejection." MPEP §714.13 (emphasis added). Moreover, an "amendment filed at any time after final rejection, but before an appeal brief is filed, may be entered upon or after filing of an appeal brief provided the total effect of the amendment is to (A) remove issues for appeal, and/or

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(B) adopt examiner suggestions." *Id.* Therefore, having adopted the previous suggestions and reduced (§102(b).) issues for appeal, entry of the amendment is in order. Entry of the amendment, reconsideration and withdrawal of the final rejection of claims 1, 12, 16, 20 and 24 under 35 U.S.C. §102(b) is respectfully requested.

Moreover, dependent claims include all of the differences with the references, as the claims from which they depend. MPEP §2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."). Therefore, Murray fails to teach or suggest the present invention as recited by claims 2 – 5, 7 – 9, 11, 13 – 15, 17 – 19, 21 – 23, 25 and 26 which depend from claims 1, 12, 16, 20 and 24. Reconsideration and withdrawal of the final rejection of claims 2 – 5, 7 – 9, 11, 13 – 15, 17 – 19, 21 – 23, 25 and 26 under 35 U.S.C. §102(b) is respectfully requested.

Regarding the final rejection of claims 6 and 10 over the combination of Murray with Koskinen et al.; as noted hereinabove, neither Murray nor Koskinen et al. teaches or suggests that "for each of said ones said identity context reminder service monitors multiple associated devices of said plurality of communications devices for inconsistencies in one or more," as claim 1 is amended to recite. Therefore, the combination of Murray with Koskinen et al. does not result in or suggest the present invention as recited in claim 1, or in claims 6 or 10 which depend from claim 1. Reconsideration and withdrawal of the final rejection of claims 6 and 10 (and claim 1) under 35 U.S.C. §103(a) is respectfully requested.

The applicant thanks the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicant respectfully requests that the Examiner enter the amendment, reconsider and withdraw the objection to claims 6 and 10, reconsider and withdraw the final rejection of claims 1 – 26 under 35 U.S.C. §§102(b) and 103(a) and allow the application to issue.

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Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Date: 16 May 08

Respectfully submitted,

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